

# Montana DNRC Forest Management HCP EIS Project Scoping Brochure



## Introduction

This brochure is being sent to you to provide information and request public comment on the environmental impact statement (EIS) that is being prepared for a habitat conservation plan (HCP) that concerns the forested trust lands managed by the Department of Natural Resources and Conservation.

An HCP is a voluntary legal agreement between a landowner and the United States Fish and Wildlife Service (USFWS). The purpose of an HCP is to provide conservation for fish and wildlife species listed under the Endangered Species Act (ESA) and their habitats, while at the same time allowing regulatory certainty for the landowners and incidental take of these species.

An approved HCP results in the issuance of an Incidental Take Permit (ITP). The issuance of an ITP is a federal action requiring National Environmental Policy Act (NEPA) compliance. An EIS will be prepared to address the Montana DNRC Forest Management HCP.

## Background Information

DNRC manages approximately 700,000 acres of forested state school trust lands in Montana. These lands are currently managed under the State Forest Land Management Rules formally adopted on March 13, 2003. The Rules provide the guiding framework for proposing, developing and analyzing site-specific projects. The management direction of the Rules is based on the following criteria: 1) monetary return to the trusts, 2) maintenance of biodiversity and long term health of the forest resource, and 3) effects on the biological and physical environment. Included in

the Rules are management standards that promote an appropriate mix of forest stand structures and compositions to support diverse wildlife habitats on a landscape scale, as well as an approach for threatened, endangered and sensitive species through management of single species' (fine filter) habitat requirements.

### You Are Invited - Public Scoping Meetings

**Helena:**

April 28, 2003                      6:30 – 9:30 p.m.  
Montana Fish, Wildlife and Parks  
420 East Sixth Avenue

**Bozeman:**

April 29, 2003                      6:30 – 9:30 p.m.  
Bozeman Public Library  
220 East Lamme

**Kalispell:**

May 12, 2003                      6:30 – 9:30 p.m.  
Montana Fish, Wildlife and Parks  
Region 1 Headquarters  
490 North Meridian Road

**Missoula:**

May 13, 2003                      6:30 – 9:30 p.m.  
City Fire Station Number Four  
3011 Latimer Street

Some of DNRC's forest management activities have the potential to impact species subject to protection under the ESA. Section 10(a)(2)(B) of the ESA contains provisions for the issuance of incidental take permits to non-federal landowners for the take of endangered and threatened species, provided the take is incidental to otherwise lawful

activities and will not appreciably reduce the likelihood of the survival and recovery of the species in the wild.

Section 9 of the Endangered Species Act makes it unlawful for a person to “take” a listed species. The Act says “The term “take” means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect or attempt to engage in any such conduct.” The Secretary of the Interior, through regulations, defined the term “harm” in this passage as “an act which actually kills or injures wildlife. Such act may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including, breeding, feeding, or sheltering.”

An applicant for an ITP under Section 10 of the ESA must prepare and submit to the USFWS for approval a Conservation Plan (commonly known as Habitat Conservation Plan or HCP) containing a strategy for minimizing and mitigating the impacts of the take on listed species associated with the proposed activities to the maximum extent practicable. The applicant must also ensure that adequate funding for the Conservation Plan will be provided.

The goals of DNRC's HCP are:

1. To the maximum extent practicable, minimize and mitigate the impacts of DNRC's forest management activities on all species covered by the HCP.
2. Provide habitat conditions that are necessary and advisable to conserve and enhance species populations, and allow for the long-term survival of species covered by the HCP, in a manner consistent with DNRC's Trust mandate. To the extent unlisted species are covered by the HCP, DNRC's goal is to address the listing factors under its control such that the listing of such species would be unnecessary, assuming the measures in the HCP were implemented by similarly situated landowners throughout a species' range.
3. Provide DNRC with predictability and flexibility to manage its forest lands economically, consistent with its statutory mandate to generate revenue for Trust beneficiaries.

## The Scope of the Agreement

As currently envisioned, the HCP would involve an agreement covering approximately 700,000 forested acres of blocked and scattered trust lands across the state of Montana. In addition, the HCP might include an additional 300,000 (approximate) acres of non-forested parcels that could involve access associated with timber management activities on forested lands. DNRC is currently considering an agreement term of 50 years. Species initially considered for coverage in the HCP include:

### Listed Species

Grizzly Bear (*Ursus arctos horribilis*)  
Gray Wolf (*Canis lupus*)  
Bald Eagle (*Haliaeetus leucocephalus*)  
Canada Lynx (*Lynx canadensis*)  
Bull Trout (*Salvelinus confluentus*)

### Unlisted Species

Wolverine (*Gulo gulo*)  
Fisher (*Martes pennanti*)  
Northern Goshawk (*Accipiter gentilis*)  
Black-backed Woodpecker (*Picoides arcticus*)  
Pileated Woodpecker (*Dryocopus pileatus*)  
Flammulated Owl (*Otus flammeolus*)  
Westslope Cutthroat Trout (*Oncorhynchus clarki lewisi*).

Species may be added to or removed from the initial list of covered species as a result of the analysis.

Management activities undertaken by DNRC that might impact species covered under the HCP include activities associated with forest management such as, but not limited to, timber harvest, salvage harvest, thinning, control and disposal of slash, prescribed burning, site preparation, reforestation, weed control, road construction, road maintenance, forest inventory, monitoring, grazing of classified forest lands, gravel quarrying for the purposes of logging and road construction, fertilization, forest fire suppression, electronic facility sites, and other activities common to commercial forest management.

The HCP would be integrated into an existing biodiversity management approach for state trust lands. A key assumption for species protection in

the HCP is that actions taken to address the biological needs of listed wide-ranging terrestrial and aquatic species would be beneficial to other non-listed species dependent on associated habitats. The conservation needs of all species to be included in the HCP would be fully and independently identified and analyzed, and any additional actions necessary for their conservation would be included in the HCP. The USFWS will evaluate the conservation needs of the identified listed and non-listed species throughout their ranges to ensure that conservation measures agreed to in this planning process are adequate to contribute meaningfully to their protection overall.

## Conservation Measures

For the proposed HCP, DNRC would develop specific conservation measures that are likely to be developed under the following general categories:

1. Silviculture and Biodiversity
2. Road Management
3. Watershed/Riparian Area Management
4. Grazing on Classified Forest Lands
5. Weed Management
6. Land Use Planning

## Monitoring and Adaptive Management

As currently envisioned, the HCP would incorporate active adaptive management features, including terrestrial and watershed analysis. Research and monitoring would help determine the effectiveness of the HCP, validate models used to develop the HCP, and provide the basic information used to implement "mid-course corrections" if necessary.

## Who is Preparing the EIS?

Parametrix, a consulting firm located in Kirkland, Washington, will assist the USFWS in preparing the EIS. The environmental review will analyze the HCP proposal as well as a full range of reasonable alternatives and the associated impacts of each.

Input from the scoping process will be used to identify relevant issues, which in turn help to formulate reasonable alternatives and the No Action alternative. The environmental review of this project will be conducted in accordance with the requirements of the National Environmental

Policy Act (NEPA) and the Montana Environmental Policy Act (MEPA) and other appropriate federal and state laws and regulations.

It is estimated that the draft EIS will be available for public review during the second quarter of calendar year 2004.

## Get Involved

The USFWS specifically requests comment on the multi-species, habitat-based approach to plan development; the proposed 50 year term of the agreement; and the possibility of inclusion of these and other species in the plan and permit.

## Scoping Period

We will be accepting scoping comments for 60 days from the publishing of the Notice of Intent (NOI) to prepare an EIS in the Federal Register. The NOI should be published on or near April 18, 2003. Scoping input received prior to the publishing of the NOI will be considered as part of the scoping process. **The exact dates of the scoping period will be posted on the HCP page of the Montana DNRC Website at [www.dnrc.state.mt.us](http://www.dnrc.state.mt.us).**

### Where Do You Send Comments?

Comments and suggestions are invited from all interested parties to ensure that the full range of issues related to the proposed action are addressed and that all significant issues are identified. Comments or questions concerning this proposed action and the environmental review should be directed to:

Tim Bodurtha  
U.S. Fish and Wildlife Service  
780 Creston Hatchery Road  
Kalispell, Montana 59901  
Phone: (406) 758-6882  
Fax: (406) 758-6877  
E-mail: [tim\\_bodurtha@fws.gov](mailto:tim_bodurtha@fws.gov).